

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

HOFFMAN, LLC,

Plaintiff,

v.

Case No. 08-C-303

COMMUNITY LIVING SOLUTIONS LLC, et al.,

Defendants,

and

ACUITY, A Mutual Insurance Company,

Intervenor Defendant.

ORDER FOR REMAND

Plaintiff Hoffman, LLC, originally commenced this action against Defendant Community Living Solutions LLC (“CLS”), a competing business, and four of Hoffman’s former employees who formed CLS in the Circuit Court for Outagamie County. The initial complaint alleged various state common law and statutory claims. The case was timely removed to federal court after the plaintiff filed an amended complaint which added a federal claim under the Computer Fraud and Abuse Act, 18 U.S.C. § 1030(g). Shortly before the case was removed, the Circuit Court granted a motion to intervene filed by Acuity Mutual Insurance Company, the insurer for CLS, which sought a determination as to its coverage and duty to defend. Since removal, all claims other than Acuity’s request for declaratory relief have been settled by the parties, and Acuity now seeks remand to state court for further proceedings as to its claim.

Acuity's motion will be granted. With the federal claim having been resolved, the basis for federal jurisdiction no longer exists. Although a federal court may retain supplemental jurisdiction over unresolved state law claims even after all federal claims are resolved, *see* 28 U.S.C. § 1367(c)(3), the usual and preferred course is to dismiss such claims without prejudice, or where the case has been removed, to remand the case to state court, especially when, as here, there has been almost no discovery or pretrial proceedings. *Van Harken v. City of Chicago*, 103 F.3d 1346, 1354 (7th Cir. 1997). Acuity has requested that its claim be remanded and the CLS does not oppose its motion. Accordingly, Acuity's motion is granted and this matter is remanded to the Circuit Court for Outagamie County, Wisconsin. The clerk is instructed to mail a certified copy of this Order to the Clerk of the Outagamie County Circuit Court pursuant to 28 U.S.C. § 1447(c) and all further proceedings in this Court are hereupon terminated.

SO ORDERED this 25th day of June, 2008.

s/ William C. Griesbach
William C. Griesbach
United States District Judge